The
COMMONWEAL

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The President and Congress

TENSION after so many months of war and excitement over the approaching election heightened the bad feeling that flared up over Mr. Roosevelt's veto message on the tax bill. Opposition in Washington and in the press the nation over made the most of the incident; the margin by which the Senate overrode the veto was extreme. For the moment social reactionaries and genuine isolationists had a field day.

Considering the fact that taxation is one of the powers explicitly reserved to the Congress and that the bill in question was the result of seven months work, it is understandable that the manner of Mr. Roosevelt's rejection aroused great resentment. It appears that the phrases with the Rooseveltian sting in them had been thrown in as an unhappy afterthought. That Congress is in no jocular mood as election approaches has been clear from its belligerent attitude toward executive-created agencies. Here again the power of appropriation is that body's specific prerogative and Congressional leaders have felt that once an agency created by presidential fiat has been operating for a year, members of Congress, by their power to appropriate or refuse funds, should decide whether the agency should continue. Congress has sunk the hatchet into several of the best of these agencies and is planning to cut down several more. The present legislature is highly jealous of its prerogatives.

For his part the President made strong arguments in his criticism of the tax bill. It certainly will not provide the revenue desired; it is insufficient to serve as a brake against the inflation which the Administration has consistently held back. There are special exemptions in the bill which do favor private interests. Attempts to dispute this latter point were particularly inept; either they charged the President with having done the same himself or they argued that the special exemptions are all right because the sums involved are only a few millions—i.e., the swag isn't really so big.

The President and his apologists haven't considered seriously enough whether Congress has a legitimate professional grievance; supporters of the Barkley move have refused to face the main criticisms in the President's veto. The conciliatory phrases in the latest Roosevelt-Barkley interchange have not really mended matters. The breach between the President and Congress has widened.

It is not clear to what extent this situation will impede successful prosecution of the war. It assuredly will dent American morale and injure our cause in allied and enemy capitals. Nothing could be better calculated to revive among allies and other nations the old fears of Senate repudiation of our President's international commitments. These would be no idle fears. The danger is that Congress will remain opposed to whatever the President is for, and vice versa. From any point of view the split in Washington is catastrophic.

Is there any feasible way out? The American system lacks that feature of most European democracies whereby a dispute could be referred immediately to the electorate as a whole. Such a mechanism certainly would be useful at this juncture. On the contrary our situation is made more difficult by the very fact that 1944 is an election year. Congressmen and Senators are acutely conscious that their home constituents dislike higher taxes, resent further restrictions of any kind. With the streamlined type of government which is inevitable for the prosecution of a major war, the President is conscious that issues must be created on which the coming electoral campaign can be fought and won. Once each has adopted a line of action for all to see, it becomes increasingly difficult to back down or reverse direction. Eyes are focused on the voter.

The initiative for healing this tragic breach would seem to lie with the President. Mindful of the object lesson of our repudiation of the League, he can give Senate leaders from both parties an important share in the responsibility for drawing up the coming treaties; then these mat-

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ters of worldwide import cannot be decided on a strictly party basis. And this practice of working directly with leaders of Congress rather than simply telling them, no matter how politely, what the President wants them to do in the best interests of the country should be greatly extended. Senators and Representatives would have to prove responsive, too.

Where the President is unable to convince Congress, he can appeal directly to the people. He cannot ask for a vote of confidence European style. But he can reach the nation by means of the radio and, if his case is strong enough, inspire enough mail to Senators and Congressmen to make clear the local constituents' view on any issue. Any feasible solution of the present dangerous impasse would therefore include genuine teamwork within the government and recourse to the people for an expression of opinion on unsolved major disputes. This war and the coming peace allow no time for standing on ceremony.

Mr. Churchill

THE TIME has passed when Mr. Churchill's speeches were acts of British defiance in the face of a dark and impending doom which they by their courage served to avert. Now Mr. Churchill is analytical and informative. It is through his reports to Parliament that we follow the course of the war and it is in them that we learn from time to time where we stand. We are not told everything, we are not told anything we should not know. But at least we are told a great many facts and they are presented to us in a coherent picture.

In his speech of February 22 Mr. Churchill explains why the United Nations are now supporting the Jugoslav partisans and why on the Italian front we are "committed to a frontal advance in an extremely mountainous country which [gives] every advantage to the defense." It should be noted that to explain means to account for and not necessarily to justify. Mr. Churchill speaks of the Greeks who are fighting amongst each other instead of against the Germans and he speaks of the Allied Armies who are fighting together against the Germans. In this connection he says something which is above any debate: "It has been borne upon me that the interests of the Alliance as a whole may be prejudiced if its other members are left in ignorance of the British share in the great events which are now unfolding." And then he gives some figures of British losses and achievements. "Excluding Dominion and Allied squadrons working with the RAF, British islanders have lost 38,300 pilots and air crews killed and 10,400 missing and more than 10,000 aircraft . . ." For the Royal Navy the figures are 41,000 killed. "Since January 1, 1943, up to the present time in the middle of February, ships of the Royal Navy and aircraft of the RAF—that is to say forces of the mother country only—have sunk more than half the U-boats of which we have certain proof in the shape of living prisoners."

These facts, these figures must be remembered in the coming months to which Mr. Churchill alludes when he says: "Looking farther abroad, it is also election year in the United States, and that is a time when naturally a lot of rough things have to be said about Great Britain and when popularity is to be gained in that vast community in demonstrating Americanism in its highest forms."

A Host of Witnesses

THE PASSAGE of Senate Resolution 100, described in last week's issues, does not seem greatly to have improved the situation as far as Europe's undernourished children are concerned. The Executive so far has taken no notice of this Congressional action. It is said that the State Departmen is reconsidering the whole question—a step probably fully as much provoked by the results of the Gallup poll as by the unanimity of the Senate. It should be remembered that the question in this poll was very broad: "Shall the United States send food by neutral ships to the children of France, Belgium, Holland and other countries now occupied by German troops?" Gallup himself pointed out that there was no mention in the question of supervision by either the Swiss or the Swedes, who have done so remarkably good a job in Greece. He therefore feels that the 65 percent who answered *yes* were indicating a complete willingness to take all the risks involved in sending food to Europe, regardless of guarantees that it would not fall into German hands. Certainly this indicates a very strong popular endorsement of any plan which will alleviate the misery in Europe's younger generation. Perhaps the State Department, when it reconsiders the matter, will give some weight to public opinion.

Last week Judge Marvin Jones announced the results of a survey conducted throughout the garbage disposal systems of a number of American cities. It was found that we are currently wasting 225 pounds of edible food per person per year in our urban centers. This represents a rate of waste amounting to 20 percent of our total food consumption. Add to this recent news items about vast stocks of butter which have become unfit for table use and the 138,000,000 bushels of potatoes which we seem to be unable to consume, and we begin to realize what we could do as a nation without in any way curtailing our own diet. Not only does all this go to make a pretty prize jackass out of Louis Bromfield, it is a tragic indictment of indifference or short-sightedness on the part of the handful of people who block adequate nourishment for millions of young people throughout the occupied countries.

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The WRA Moves

IN ACCORDANCE with his frequently announced belief that the number of independent federal agencies should be reduced whenever practicable, the President some days ago ordered the transfer to the Department of the Interior of the War Relocation Authority. This agency was created to take care of the consequences of the evacuation of all persons of Japanese origin from the Pacific Coast area. The public has somewhat misunderstood its function, believing that it was primarily instituted as a sort of supplement to the federal prison service; in fact the intention was altogether different. Such Japanese as proved disloyal were to be segregated and kept in detention for the duration; the rest were to be resettled in parts of the country where they would not encounter local opposition or prejudice and could function in "normal, productive American life." All things considered, the WRA has done a good job. It has already succeeded in resettling 20,000 evacuees. There remain 92,000 under its guardianship in 10 relocation centers. The disloyal have by now been segregated and are all held at one center—Tule Lake.

It is logical that the Department of the Interior should absorb this agency since five of its relocation centers are situated on Interior Department land and one center was directly administered by the Department until January 1 of this year. The personnel of WRA remains the same, with Dillon S. Myer as its chief. He writes: "In the short time that has elapsed since the transfer was announced, we have found the Department of the Interior personnel most helpful, and we have every reason to believe that the transfer will expedite the WRA program." Some months ago we called the attention of our readers to the fact that there were many skilled workers among the loyal Japanese and that arrangements might be made for employing such workers through Mr. Myer's office. This is still the case.

Japanese American Number

THE "inscrutable orientals" are inscrutable for most of us when they are in the Orient because we do not even see them, they are too far away. But when they are citizens or residents in this country it should not prove impossible to look at them. Even to listen to them talk. Curiously enough, when we listen to them we find that we can understand what they say. Some of them who are not American citizens, because they were born abroad, say they have made their lives in America and would feel that they were foreigners if they lived anywhere else. Some of them who are American citizens say only that they were taught in American schools certain things about American citizenship, they ask only if what they were taught is true. They believed what they were taught about the duties and the rights inherent in citizenship. But now things are happening to them—some things which go with citizenship, some things which generally do not. They are confused about it all. American citizens of Japanese descent want to know whether the teachers who taught them about the American constitution knew their business. They have compared notes with American citizens of immediate German parentage and of immediate Italian parentage. They think something is wrong.

Some of them are in the American Army in Italy, for instance, where they are fighting and being killed. This, they think, proceeds from the duties and rights of the citizen. Some of them go about their business in New York and elsewhere unmolested—and this, they think, is the natural condition of a citizen who has committed no crime. And some of them—many of them—are in concentration camps. They are not in these camps for the purpose of undergoing punishment for any offense charged against them. They are not there because they have broken a law. They are in the camps because their parents are Japanese. Not because their parents are enemy aliens. Just because their parents are Japanese enemy aliens.

Thus something is happening to a certain number of American citizens which does not happen to any other American citizens. So that one has to decide whether there are various kinds of American citizens (among citizens born in this country) or just one kind of American citizen. Because if there is just one kind of citizen, as we have been brought up to think, then at the present moment some Americans are being treated in an exceptional manner.

It is for the highest court in the nation to decide whether there are several kinds of citizens or not. It is an interesting question. It is interesting to know if a child born in this country who thinks that he can have the Fourth of July and grow up to be the President had better look first in the mirror to see what color is his skin. We thought that question was settled by the Civil War. Apparently it is still under debate. That is why we also publish a Brief, which is being presented to the Supreme Court. It is pertinent to this debate.

There are not a great number of American citizens of Japanese extraction in this country. We have rounded most of them up and after the war we can send them back to Japan. We can do that, but if we do it we had better change the idea we have of America; change it because what it created will have been destroyed.

It seems simpler to keep the America to which we are devoted and simpler, consequently, to retain unaltered and inviolable the idea of citizenship by which the nation lives.

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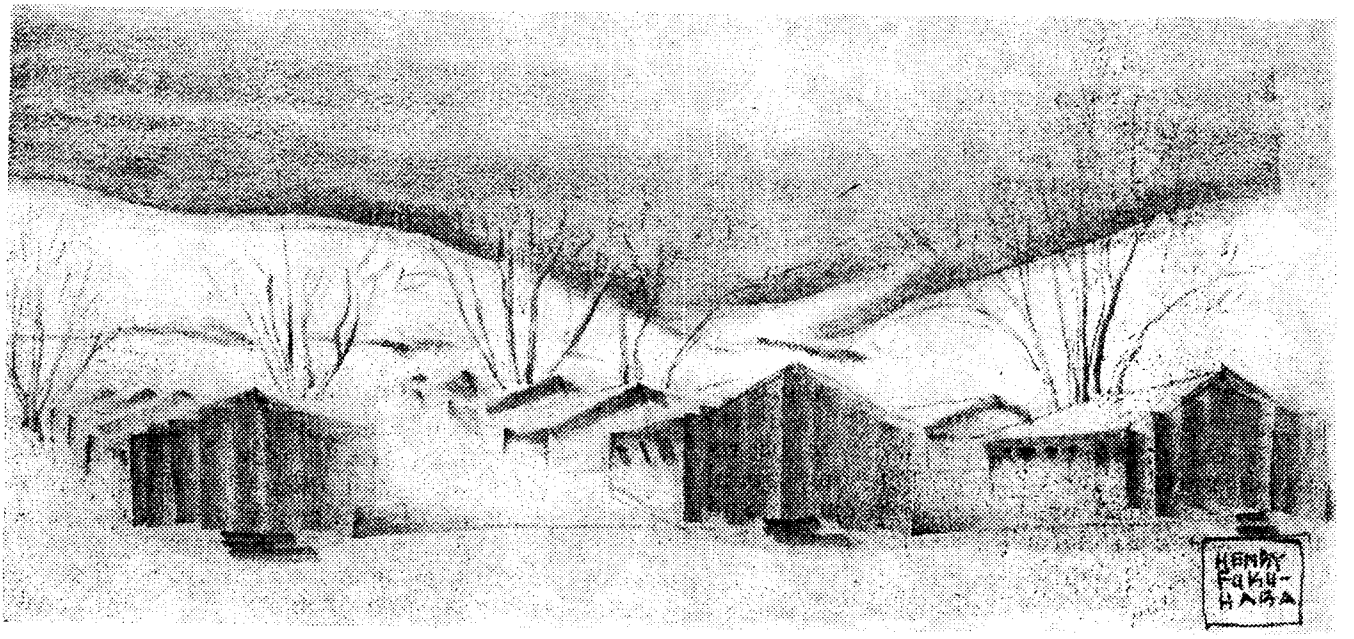

Manzanar Relocation Center: Winter, 1943

A pencil drawing by Henry Fukuhara. The artist was born in Los Angeles in 1913 *and lived there all his life until the evacuation order forced him to leave in* 1942. *By profession he was a nurseryman and landscape architect and had for ten years conducted a successful business of his own in partnership with his brother. He had studied briefly at an art school and had made renderings to show clients what proposed plantings would look like, but had never done any other artistic work until he arrived at the Manzanar camp. Here lack of employment led him, in the fall of* 1942, *to try his hand at water colors and pencil sketches. He produced several hundred of these. He has now come to New York and is preparing a book with Rackham Holt which will be published late this year. The theme of the book is to express his gratitude that, despite such difficult circumstances, he should have been free to find a new vehicle of artistic expression under the American system. He is married and has two children and has been president respectively of the Santa Monica and Bay District Chapters of the Japanese American Citizens League.*

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Four Interviews

Yasuo Kuniyoshi

OF COURSE if you paint the graceful ladies, the duchesses—or those who look like duchesses because they have been carefully fed and most carefully washed—you have to have a studio in which they will feel at home. Probably you have to have a manner with them too. A manner to suit their manner which quite often will be a rude manner. A loftiness, anyway. It is a special kind of world. Even the names of the portrait painters are elegant: Boldini, Helleu, Sargent, Lazlo, de la Gandara.

So that when I went to see Yasuo Kuniyoshi at an address on Fourteenth Street, in New York, I knew that I would not find the place cluttered up with duchesses. I went through Union Square. It was a nice clear day, the kind of day the armies thought they would find, and did not find, in Italy. The citizens in Union Square were arguing as usual; they were all men citizens; they stood in groups and argued about the Russians, the fascists and the Vatican; the women citizens were trying on dresses in Klein's with a guard on top of a step ladder to see that they did not make a mistake about what dress they went out with. The women were looking in the window of a five and ten at red, white and blue frames in which soldiers and sailors now replaced the Hollywood boys. I went into the entrance of the five and ten and there was a door with a sign on it saying studios. I opened it and then there were no more women citizens pushing their way into the store; there was a long, steep, wooden stairway. I climbed five flights of stairs. At each landing there was a bucket with which to put out fires. On the third floor an artist had painted a fresco on the rough plastered wall. On the top floor I saw Kuniyoshi's name on a door and I knocked on the door.

It was a big room and the noise from Fourteenth Street did not come into it. Kuniyoshi sat at a typewriter working on his income tax. There were no drapes; there was an easel but there was no canvas on it and the room, with a wall lined with bottles, looked like a laboratory. It did not look like a studio unless one had seen a great many studios where painters really worked. It looked like that kind of a studio.

"If you have come to see my painting," Kuniyoshi said, "this is not the place. You can go up to the Museum of Modern Art. You can go to Baltimore, Portland, Chicago, Detroit. You can go to my dealer. I'm a working painter and this is where I work."

I said: "I do not want to see your painting, I do not want to write about your painting. There are enough people writing about painting and they have a jargon all their own. You have to belong to the club. You are a respected professional painter and a respected teacher of painting at the Art Students League. You are also a Japanese. I want to know why you came here."

"Why does anyone go anywhere?" Kuniyoshi said. "A Pole who became an Englishman answered as well as anyone else when he kept talking all his life about the romantic notions of 'Youth.' I left Japan when I was thirteen. I wanted to see the world. I wanted to learn English. I came to the West Coast and I worked all day and went to school at night. After a while I found that I did not only want to learn English, I wanted to learn to be an artist. I wanted to draw and to paint. That is what I have done. That is what I have thought about. I grew up in America, I got all my education in America, I was recognized as an artist by America; I thought about America as if I were an American, I thought about Japan as all Americans think about some distant land from which they have come. The one thing I never thought about is race. If you think about race you cannot think about form, color and line, and the way to mix paints. You cannot even think about politics. You cannot even think about what is right and what is wrong. You cannot even hear the sounds of speech or of music. The simplest words, the word yes, the word no, become meaningless, the simplest color is muddied."

Kuniyoshi has all the dignity of the dukes he does not paint. His voice is quiet. He sat there quietly.

It is a wonderful thing to be aware that when a conscience is clear, when a man's dedication to a peaceful idea is certain, all the wars in the world cannot disturb the harmony in which that man lives among his fellows. Kuniyoshi, a man born in Japan, is here in America with nothing between him and his friends, between him and his students, with nothing between him and his work. There has been no interference. And that is because he can conceive of no interference, because he is almost unaware that there could be any interference, because in his mind no question of race could interfere with his mind's loyalty to his art and to the country in which he lives and works.

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I tried to keep the conversation on the Japanese in America. I tried to see if he would not admit some worry. For others, yes, of course. But for himself, no. For himself the problem was an artificial problem. And so we got back to talking about painting and there is no use reporting what we said. I might have been listening to Mr. John Singleton Copley; I was listening to an artist talking about his work. In New York, in America. I kept saying to myself this man was born in Yokohama; the fact did not seem relevant.

C. G. PAULDING.

Minoru Yamasaki

MR. MINORU YAMASAKI is an architect, duly licensed to practice under the laws of the State of New York. He was born and raised in Seattle, Washington, where he studied his profession at the University of Washington, receiving his degree in 1934. While going through the university, he worked summers in an Alaskan salmon-canning factory, where he at least learned the value of trade unions. He worked for $50 a month for a twelve-hour day with 25 cents an hour overtime; once he and his companions put in between 19 and 20 hours daily for a forty-day stretch. . . . They would go to sleep at their jobs . . .

Of course such labor is "found," but the finding was none too good. Breakfast consisted of rice and salmon; lunch consisted of salmon and rice; dinner consisted of rice and salmon. About every third day there was a vegetable. Once in a while breakfast consisted of soup. . . . Mr. Yamasaki says that during the last ten years he has only once ordered salmon in a restaurant, and when it came, he couldn't look it in the eye. . . .

The year 1934 was, as we are now somewhat likely to forget, a bad year, and it was a particularly bad year for architects. This young architect came East with his sheepskin because there was absolutely nothing to do on the West Coast. As far as he was concerned, the East Coast was equally uninterested in building, and so he had to take a job for a year with an importing firm which specialized in porcelain and pottery . . . meanwhile keeping abreast of things by taking courses at NYU. And then a competition was announced for the Oregon state capitol. Many more architects entered this competition than would normally have done so, for at least it gave them a feeling of having something to work at. Among these was Francis Keally, now of the firm of Githens and Keally. Mr. Yamasaki got a job designing the elevations for Keally. And then Keally won the competition. As is usually the case in the profession, Yamasaki's connection with such an achievement became known, and jobs became available. He went as a designer to Shreve, Lamb and Harmon (Chief Claim to Fame: the Empire State Building) where he worked on a number of projects including the Parkchester housing development. And then, last year, he moved again, this time to Harrison, Fouilhoux and Abramovitz (Claim to Fame: Rockefeller Center). On the side, like many another talented young fellow earning his daily bread in big offices, Yamasaki planned the remodeling of one of New York's old brownstone residences and dreamed up an interior for a liquor store in Parkchester.

Out of these ten years of active practice and experience in topnotch architectural firms, what has Yamasaki decided is the most important branch of his profession for the future? With complete conviction he will tell you that it is large-scale public housing. With this conviction I heartily concur, for surely here is a field where the problems are far from solved and where the social benefit to be derived from solving them is magnificently beyond argument. Our nation is still fully one third ill-housed, and if you raise your standards only as much as you can raise an eyebrow, it is much more than one third ill-housed.

Yamasaki believes that the only solution lies in direct Federal aid, preferably with a man in charge of housing who shall be so highly placed in the governmental hierarchy that he will be listened to with respect and his function will be taken for granted. The happiest solution would be the creation of a Department of Housing, of equal importance with the Departments of Agriculture or Commerce or Labor, with its head a regular Cabinet member.

Of course the great ideal remains family ownership of the home with a sufficient plot of land around it to give you some privacy and a chance at a garden if you are so minded. But obviously that ideal is a long way off and may never be within the reach of our society, except for a relatively small proportion of our people. The rest are now at the mercy of real estate interests—a form of private enterprise principally concerned with destroying genuine private ownership. So Mr. Yamasaki hopes that his future will be dedicated to rebuilding the homes of America, to giving the American family living conditions of which we may all be proud. And by both training and conviction, he is certainly superbly fitted to do the job he has set his heart on.

HARRY LORIN BINSSE.

Marian Moto and Patti Iwanaga

ON A lickity-split assignment, the sort of alarming excursion the editors of this paper delight in devising for their underlings, I hurled this morning up Manhattanville's noted hill in order to talk with two young Japanese American students at the College of the Sacred Heart. And I think I should like to say at once that I had a wonderful time. Beginning at the

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beginning, at the top, the campus here slides agreeably down-dale and is scattered, of course, with the usual graveled walks and appropriate trees. On the east side, the sheer side, the grounds are bound by an iron fence and here the view—a long one—looks sadly over a valley of square roofs with just the towers of the Triborough in the distance to remind you that you are still on the island. I expect it was this lack of water—of river—which started Marian Moto and me talking again of the Hudson, a mutually fascinating subject we had only just discovered in the college parlor. Marian lives at Dobbs Ferry, exactly where she was born, and confesses that she loves it inside out, and up and down its own especial hill. Enchantingly gentle and grave, with warm dark eyes perhaps a little less narrow than one is accustomed to meeting in a purely Oriental face, she is the daughter of a Japanese father and an Hungarian Catholic mother and says she feels she is that most typical of Americans—a determined small-town girl; and yet, now in her junior year at school, she has definitely switched her major from straight sociology to the Japanese language, taking what is called a regional-major at the college and traveling daily to Columbia for the language course. A scholarship student, a proficient typist and stenographer since high school, her idea is a possible secretarial job in Japan after the war, when she feels that her bi-lingual capacity might find some use in the hum and drum and business of post-war settlement. I got the feeling that this choice of career was a serious and not entirely easy one for her to make; and while walking down towards the Father Young Memorial High School where we were to intercept Patti Iwanaga, a recently arrived freshman, I asked her if she felt that her dislike for large cities and her affection for her own east-shore Hudson village could be mainly prompted by the sense of security one naturally feels *at home*—where everyone, including the milkman, "knows one's story." Almost immediately she answered that perhaps that was true, but went on to tell me that together with a number of other girls at the college, she had taken a clerical war job last summer at the Federal Building in Greenwich Village, at the other end of the city. "I had the queerest notions about applying," she admitted, "and I hated the long subway ride. But in the end, it was fun; all of us made quite a lot of money, and that was all right."

Arrived, by this time, at the school, we leaned back against the railings and switched off into talk of basketball which Marian loves—of opera which she adores—and were just beginning on poetry which she remarkably declared she thought she could learn to "appreciate"—when Patti appeared, coolly four minutes late for a make-up algebra class. At this point, I experienced the grateful admiration of a diffident reporter for a genuine one, and after a hurried three-way consultation over my watch, cleverly commanded in the tone of The Duchess—TALK CHILD—which Patti did—all the way back up the hill, back through the long hall, and again into the farthest corner of the parlor. At seventeen, this attractive and intelligent infant is a traveled citizen. Born in Boston, of Japanese parents, she left there with her family some ten years ago on a trip to the West Coast which was to have been the start of a visit to Japan. Once in California, however, the trip indefinitely delayed because of her father's business, Patti and her sister were placed in a Catholic mission school and eventually, after Pearl Harbor, were evacuated with their parents and other members of their race to the California Assembly Center at Tanforan. Here, in abandoned race-track buildings, crowded enough, as she says, for the residents to get to know each other very well, she continued high school studies for a year; later moving on to the Relocation Camp at Topaz, Utah, where she was able to finish the remaining two years of her course, and to spend every extra minute working on the staff of the camp paper. Now living with a relative here in town, she is wholly entranced with her first month in the city, delighted with her first three days' work at the college, and determined to become a professional journalist by the quickest road possible. She seemed amazed when I commented on her provocative accent, and both she and Marian agreed that it wasn't a Japanese way of speech—she has only been speaking Japanese since she was eleven. But whatever the accent, her talk was wholly articulate and concise; and her fervor and eagerness to discuss the especial problems of her people were, I thought, stirring and fine. The young Nisei at the camp are completely American she says. Double-talking, jitter-bugging, athletic young school kids, they cannot imagine any other country, any other home, and are extremely reluctant to try. Their parents, on the other hand, seem to feel that "whatever happens, they will miss out." If eventually deported, they feel justifiably uncertain of their welcome in Japan; and at the same time, are bitterly unsure of their position among us. The entire camp, Patti reiterated again and again—students, artists, farmers, white-collar workers—*is afraid to come out;* in spite of the assurance and assistance the autorities are capable of giving. It is for this reason Patti is determined to retain her connection with the camp paper. As her first assignment, "as roving reporter," she says, she is writing her public long, detailed and excited letters. The world, she wants to tell them, is all right; it is big and filled with everysize corners; there is work to do; and most of all, particularly here in the East, the people are kind—or at least, they are too busy to notice. . . .

KAPPO PHELAN.

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In the Supreme Court

On petition for writ of *certiorari;* brief *amicus curiae*

Fred Toyosaburo Korematsu, *Appellant*
against
United States of America, *Appellee*

EDITORS' NOTE: *Fred Toyosaburo Korematsu was born in Oakland, California, in 1919. He was graduated from the Oakland High School and became a nurseryman. He fell in love with a Caucasian girl, and when the relocation order threatened his being able to see her, he changed his name and underwent a facial operation so as to diminish has "racial visibility." But the authorities were too alert for him, and he was arrested for refusal to comply with the order. After being seized by the military while on bail awaiting trial, he was sentenced to five years probation and sent to a relocation center. The appeal against this sentence has been gradually working its way through the courts. The following brief has recently been filed with the Supreme Court of the United States by the American Civil Liberties Union as a "Friend of the Court." It admirably states the Constitutional issues involved in the whole business of the detention and evacuation of citizens.*

THE American Civil Liberties Union joins with petitioner in asking this Court to review the judgment of the Circuit Court of Appeals for the Ninth Circuit, affirming petitioner's conviction, because the American Civil Liberties Union believes that it is important that this Court mark out precisely the boundaries of military power over civilians. The American Civil Liberties Union is particularly interested in this case because it presents problems of detention of citizens without judicial process, of discrimination on account of race and of summary action without hearing. By reason of its concern with these issues the Union had filed a brief amicus curiae with this Court in the cases of *Hirabayashi* v. *United States* (320 U. S. 81) and *Yasui* v. *United States* (320 U. S. 115) when these were argued at the end of the October 1942 Term. However, this Court, in upholding the *Hirabayashi* conviction, did not pass upon the issue which to the Union seemed of the greatest importance in that case, namely, the validity of the order requiring all persons of Japanese ancestry, citizens and aliens alike, to depart from their homes on the west coast and be confined to camps. That issue is now clearly present in the case at bar.

The Circuit Court concluded that the reasons which formed the basis of the Court's decision in the *Hirabayashi* case sustained the validity of the evacuation order as well as the curfew restrictions. Judge Denman, while concurring that the question order was valid, disagreed from the conclusion of his colleagues that the issues had already been in effect disposed of by this Court. Sharing that view, we respectfully request the Court to grant a review in this case, so that it can expressly pass upon the important issues left open for determination in the *Hirabayashi* case.

There are three primary questions which concern the American Civil Liberties Union in its desire to protect all persons in their constitutional rights. Can citizens be detained by administrative order? Can evacuation and detention of citizens be justified simply on the ground that they are descended from persons whose fellow nationals are enemy aliens? Can evacuation and detention of citizens be carried out by military authority without any provision for inquiry whereby a particular individual can establish that he does not come within the general ground for the contemplated action?

POINT I

The military authorities have no power to order the detention of citizens.

We believe that this case presents the question of the power of the military to detain citizens against whom no charges have been preferred. We contend that no such power has been granted by Congress, or could constitutionally be granted.

The issue is presented because the evacuation orders, taken as a whole, made it quite plain that not evacuation only was required, but indefinite detention as well. That was conceded in the opinion of Judge Denman in the Circuit Court. And the facts permit of no other conclusion. On March 18, 1942, the President (Order 9102) established the War Relocation Authority to take charge of the "relocation, maintenance and supervision" of those about to be removed by the military authorities. On March 27, 1942, General deWitt issued Proclamation No. 4 (7 F. R. 2601), which forbade persons of Japanese ancestry from leaving the previously designated Military Area without express permission. This was followed by a series of exclusion orders, and the establishment of "Assembly Centers" and "Relocation Centers," to which all evacuees were sent. By the time the exclusion order here in question (No. 34) was promulgated (May 3, 1942), this practice had become uniform. Indeed the instructions which accompanied the order made it evident that the evacuees were to be transported to such centers. Moreover, no one was permitted to leave a center without express permission, and the only permission then contemplated was for limited periods of time (see Civilian Restrictive Order No. 1, May 19, 1942, 8 F. R. 982). That the evacuation and detention were part of a single

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integrated program is made clear in the recently published report by the War Department. This report, entitled "Japanese Evacuation from the West Coast, 1942," deals at length with the entire subject. Particularly pertinent in this connection are pages 44 ff., 78, 94, 237 ff. and the typical form of instructions printed at page 99.

We submit that Congress gave neither to the President nor to military authorities any power so far reaching, and that in the absence of legislation the President has no such power even in time of war. Public law No. 503 certainly is not capable of being construed as authority to detain citizens. And this Court's decision in the *Hirabayashi* case does not so hold; for it dealt only with curfew orders which were explicitly referred to at the time the law was under consideration. It is not enough to conclude that evacuation, which was also under contemplation, and was expressly referred to in the law, was authorized. For here there was not merely evacuation, but evacuation as a step toward detention.

Some attempt was made by the government, in the *Hirabayashi* case, to argue that the action taken was ratified by Congressional appropriation for the War Relocation Authority. But this appropriation was not voted until July 25, 1942 (56 Stat. 704). It could not ratify administrative orders made in May so as to make their violation then a crime. Petitioner was prosecuted by information filed June 12, 1942, for an offense alleged to have been committed in May. If the regulation he was charged with then violating was then not authorized by Congress no later ratification could make his disobedience in May a crime. That would be a violation of the prohibition against ex post facto laws (Art. I § 9). See *United States* v. *Stafoff*, 260 U. S. 477; *Viereck* v. *United States*, 318 U. S. 236.

We submit also that the war power of the President alone would not support such an order. This Court in effect so ruled in *Brown* v. *United States*, 8 Cranch. 110. That case dealt with a Presidential attempt to seize British owned property during the war of 1812. Chief Justice Marshall ruled that since Congress had given the President the right to detain enemy aliens but not the right to seize their property, his act was without support in the law. It follows by like reasoning that since Congress has given the President power to detain enemy aliens (50 U. S. C. A. 21) but has not given the President similar power to detain citizens the order here under review cannot be sustained on the President's war power alone.

Writers on the subject have reached the same conclusion. Thus in Berdahl, War Powers of the Executive in the United States, it is nowhere suggested that these powers extend to the removal of citizens from one part of the United States to the other. It is only when martial law has been declared that executive authority may be exercised over citizens. Of course, there was no martial law in California. In Chapter 11, pages 183 and following, Mr. Berdahl discusses the President's power of police control and recognizes that such power over persons is derived only from Congressional authorization. The most that he concedes is that when Congress is not in session, the President may have power to act in an emergency (p. 192). Here Congress was continuously in session.

Finally, we submit that even the President and Congress, acting together, may not detain citizens of the United States against whom no charges have been preferred. The framers of the Constitution recognized the propensity of governments in times of crisis to take executive action rather than to pursue the ordinary course of the criminal law. The framers realized that in certain situations such conduct was necessary to the maintenance of government. For that reason the framers permitted the suspension of the writ of habeas corpus by which unlawful executive detention was normally challenged, but permitted such suspension only in time of invasion or insurrection. They did not permit the suspension merely because of the existence of a state of war, or even because of a fear of invasion. It was evidently contemplated that the detention permissible as the result of the suspension of the writ of habeas corpus should be possible only at a time of the direst immediate emergency, not at all as a precautionary measure. If, as we think must be conceded, the situation in California in May 1942 would not have warranted the suspension of the writ of habeas corpus, then it must follow that any legislation seeking to circumvent the prohibition against the suspension of habeas corpus would be void. And any legislation directly authorizing the detention of citizens, except as the result of charges preferred under the criminal laws, would be an attempt to evade the prohibition against the suspension of the writ.

We do not believe that Congress intended to evade such suspension. That is one of the reasons why we do not think that the Act of March 21, 1942, can be construed as authorizing the detention of American citizens.

The questions raised are clearly important and far reaching. They have never heretofore been passed upon by this Court. Surely, review should be granted.

Point II

The classification of citizens based solely on ancestry is a denial of due process and is forbidden by the Fifth Amendment.

We recognize, of course, that the Federal Government, unlike the states, is not subject to any express limitation in the selection of subjects or persons to be dealt with by government action; in other words, that the Constitution contains no equal protection clause affecting the Federal Government. Nevertheless, the due process clause of the Fifth Amendment does limit the power of the Federal Government in respect to classification. (See *Detroit Bank* v. *United States*, 317 U. S. 329, 337, and cases cited.) In the *Hirabayashi* case this Court recognized that classification on racial grounds is ordinarily arbitrary. But the Chief Justice concluded that the fact of racial ancestry was relevant so as to justify the imposition of a curfew order on citizens of Japanese origin only. But he was careful to point out that the Court did no more than determine that the circumstances afforded a reasonable basis for the action taken in imposing a curfew:

> We decide only that the curfew order, as applied, at the time it was applied, was within the boundaries of the war power.

And Mr. Justice Murphy, specially concurring, said that the decision then being rendered went "to the very brink of constitutional power."

We do not believe that the considerations which led this Court to uphold discrimination in the application of a curfew order are applicable to the order that is here in question. There are important differences in the character of the action taken and in the time when it was taken. The curfew order was imposed on March 24, 1942, to be effective within three days. It covered not only citizens of Japanese ancestry, but all enemy aliens, Japanese, German and Italian alike. It had an obvious

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immediate relation to the prevention of sabotage, and perhaps also to the possibility of invasion. It operated only as a minor restraint of liberty during the hours of darkness, when it was reasonable to suppose that attempts at sabotage would be most likely and assistance to a possible invader could most easily be given.

Altogether different are the various evacuation orders, one of which is here involved. These were issued over a considerable period of time, thus indicating the absence of any acute emergency calling for instant action. Indeed, the particular order here in question, Exclusion Order No. 34, was not issued until May 3, 1942, to become effective May 9, 1942. Consider, moreover, the character of this and similar orders. In the first place, they were directed only against persons of Japanese ancestry, not against enemy aliens of different origin. They were not limited to preventing the persons affected from entering military establishments, or even places which the military might consider necessary for defense purposes. Instead, they directed removal of all persons of Japanese ancestry from their homes and places of business throughout the entire Pacific Coast area, for a depth in places of two hundred miles. (See opinion of Denman, J.) Moreover, these orders prevented persons affected from voluntarily leaving the areas and required them to submit to forced assembly in camps and to ultimate detention, at the pleasure of the military authorities.

We do not believe that the same circumstances of "ethnic affiliations with an invading enemy"—to quote a portion of the Chief Justice's opinion, which we cannot but feel was unfortunately phrased—can form the basis for the discrimination here practiced.

Whereas the curfew order was imposed on all enemy aliens, this order was restricted only to the Japanese. Whatever the justification for including citizens of Japanese ancestry as well as aliens within the scope of the curfew order, there can be no justification for providing for the wholesale evacuation from their homes and places of business of citizens of Japanese ancestry, while leaving even enemy aliens of German and Italian origin completely unaffected.

No considerations of relevancy can justify that result. Certainly, the action cannot be justified as a measure of protection against sabotage, for the danger of sabotage was a country-wide danger. It was in no way restricted to the Pacific Coast. And it was a danger even more to be feared from persons of German or Italian extraction, because of the greater likelihood of access on their part to places where sabotage might be fruitful. The very strangeness of appearance of persons of Japanese ancestry rendered the possibility of sabotage on their part less likely. Nor can fear of invasion be asserted as justification. It is true that at the time that the exclusion orders were first promulgated, the Japanese were proceeding without check in their conquest of the Philippines and the Dutch East Indies. Nevertheless, it must have been evident by the time the order in question was promulgated that no immediate invasion was possible. The Japanese had not then invaded Australia; they had not even attacked Hawaii a second time. That the military authorities might have required all persons of Japanese ancestry to register and perhaps to report their continued whereabouts, so that appropriate action might be taken in case of possible invasion, is one thing. To assert that the mere possibility of invasion justifies what was done here is another. We do not believe that the necessity for a successful prosecution of the war, even the necessity for giving wide discretion to military authority, should permit such cruel and arbitrary interference with the freedom and livelihood of American citizens, as was here accomplished. Surely, the question is of such fundamental and far-reaching importance as to justify review by this Court.

Point III

The exclusion order constituted a denial of due process because it made no provision for any hearing.

This point was also urged upon the Court in the *Hirabayashi* case. It was there rejected, in so far as the curfew order was concerned. The majority opinion contained no explicit discussion of this phase of the case. However, Mr. Justice Douglas, concurring, expressed the view that:

> Where the peril is great and the time is short, temporary treatment on a group basis may be the only practicable expedient.

Again there is a difference between the scope and circumstances of the curfew order and those of the exclusion orders. The basis of the curfew order was obviously to minimize the possibility of harm which might result during the hours of darkness. It had but a limited effect on the liberties of the individuals restricted. It could be lifted when the emergency passed without the imposition of any serious harm on anyone. One's concept of fairness is not shocked by the requirement that all persons in a certain group obey such an order, even though no opportunity is afforded to individuals to establish that because of their loyalty and devotion to this country, there was no reason for the government to fear harm should they be allowed to move about at night.

Quite different is the situation which resulted from the evacuation order. Under this and similar orders nearly one hundred thousand American-born men, women and children were torn from their accustomed ways of life and forced into concentration camps. Here is no temporary partial restraint of liberty, which, when lifted, has done no substantial harm. The harm done to these people is not only substantial, but in many cases irrevocable. Property rights have been lost, business connections destroyed. The intangible things which go to make a decent way of life have been broken. And all this without the establishment of any method whereby individuals whose lives always had been without blame or suspicion could establish their right to remain where they had always lived.

It is no answer to say that hearings would have taken time. There is no reason to suppose that hearings would have been more difficult to arrange for persons of Japanese ancestry than proved to be the case for enemy aliens, both German and Italian. It would not have been necessary for the military authorities to have provided for some form of hearing prior to the time when they believed it necessary to evacuate the affected persons. Surely, no consideration of military necessity could have stood in the way of arrangements for providing hearings to those affected immediately upon their reporting to the assembly centers designated in the various evacuation orders. Ultimately this was, of course, done, so that large numbers of those detained have been released. Our contention, however, is that no deprivation of liberty such as was here undertaken can be justified, unless some provision is at the time made for hearings. The absence of such provision renders the original order wholly void. It cannot be saved by the creation of hearings machinery long afterward. Particularly is that so, since at the time when it is charged that

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petitioner violated the military order, namely, between May 9th and May 30th, 1942, no machinery of any kind existed under which hearings could be held. It was not until September 26, 1942, that regulations were issued with regard to granting leaves from the camps (7 F. R. 7656).

We urge this Court, therefore, to grant certiorari so that this important question of constitutional right can be adjudicated.

Point IV

The constitutional issues can be raised in defense to a prosecution for refusing to obey the questioned order.

This Court has recently held, in *Falbo* v. *United States,* 221 U. S. , that a draftee could not set up the invalidity of a draft order in defense to a prosecution for refusing to appear for induction. We do not believe the case applies to the situation here presented. In the *Falbo* case there was no attack on the constitutionality of the draft law. Here the defense is predicated mainly on the unconstitutionality of all the actions which resulted in the challenged order. In the *Falbo* case this Court rested its decision largely on the fact that the administrative process was not complete with the induction order, since the army might reject a registrant after induction. Here no machinery existed for the relief of those ordered evacuated at the time the challenged order was issued. This circumstance makes inapplicable the comments of Mr. Justice Douglas in the *Hirabayashi* case (320 U. S. 81, 108) to the effect that a person affected by military order should submit to it and then take advantage of administrative regulations to be relieved of the duty of compliance. But in May, 1942, when petitioner was charged with violation of the order, there were no administrative regulations either for hearings or for release on any terms.

We call the Court's attention to *Arver* v. *United States,* 245 U. S. 365. There this Court considered at length various constitutional objections to the 1917 draft law which had been urged as defenses to a prosecution for refusing to appear for induction. It occurred to no one to suggest that these defenses could be raised only by submitting to induction. Surely it can make no difference that the attack there was on an Act of Congress, while here it is on a military order.

We submit, therefore, that petitioner's challenge to the constitutionality of the questioned order was proper in this case. Any other conclusion would be destructive of liberty.

Conclusion

Since important questions of constitutional right are presented in this case, questions not heretofore decided by this Court, certiorari should be granted.

Respectfully submitted,
American Civil Liberties Union,
Amicus Curiae.

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Japanese Americans Speak

Excerpts, largely from the "Pacific Citizen"

A FEW months ago a young Japanese American woman of 24 was asked to describe her girlhood in the Rocky Mountain states and in California. She wrote a touching autobiographical document from which it is possible only to quote a few paragraphs. But what she says seems so representative of her fellows that it deserves particular notice. So far the entire autobiography remains in manuscript form. Ina Sugihara concludes her life story with these days when Japanese Americans on the Pacific coast knew that evacuation was coming, but did not know when or how.

> For a full month I ran around like a chicken with its head cut off. I asked all my friends, "What shall I do? What shall I do?" I had known the pangs of hunger and want; I had felt like a homeless child for years after leaving my childhood home in Colorado; I had met discrimination from those who did not know any better; but nothing in my whole life had aggravated me as much as the evacuation movement. It was utterly senseless and it was being given official sanction. I couldn't study. I couldn't sleep. All I could do was talk with people and try to see if they knew what was happening. . . .
>
> When official word did come and it became certain that we would have to leave, I went across the campus to Jim's co-op. He wasn't in, so I left a note saying, "I'm trying to go East—Madison, Chicago, New York—I don't know just where."
>
> I figured that $50 would replace my material possessions then, but decided that $50 would not buy anyone's freedom at any time once it was lost. And it looked as if I were going to lose many of my liberties by sticking around. I would be sent to an isolated desert camp to live in an army barrack and be guarded by sentries. There would be others around, but we would be mutual outcasts and not free citizens.
>
> I was lucky. I left for New York three hours before the freezing of travel for "enemy aliens and citizens of Japanese ancestry" in the coastal area. Freda Reinitz and Eleanor FacIntee took me to the station and we agreed to meet in Timbuctoo 20 years hence.
>
> I slept 18 hours a day on the train to make up for the days lost during the previous month, worrying and planning, though military orders and newspaper headlineh rang in my head during my waking hours.
>
> Since then I have become a New Yorker. Union Square, Rockefeller Plaza, Greenwich Village and the subways are now as familiar to me as were the Berkeley hills over a year ago. Every once in a while I ponder over those crucial days when we were frantically trying to decide what to do. Each time, my decision is the same, "I would do it again—leave the coast—for I had nothing to lose and everything to gain." My life may not be a striking one, but it does not contain a negative chapter in a "relocation center."
>
> Jim was in an evacuation center only a few months. But before he had been there one month, he wrote: "This thing can never work for young people. They are deteriorating mentally and psychologically. There's a great wave of a 'don't give a damn' attitude. . . ." He himself is now teaching chemistry at the University of Utah.
>
> Tom took the whole thing as a lark at first, but that only lasted until he had rested up from his year's study

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at Long Beach Junior College. He wanted to go on. . . . And he did—to Kalamazoo College in Michigan.

Mother and Dad are living and working at the Jerome Relocation Center in Arkansas even today, patiently waiting for the day when they too can once again enjoy the thrill of living. Mother who at first proclaimed the generosity of the government in caring for people like her, was soon stating very plainly: "It's all right for those of us who are older; but it is pathetic to see the young people. They have a future. . . ."

It has been a year and a half since the evacuation, but it is still a hideous image in the back of my mind. I cannot help but picture all those kids—the average age of the 70,000 Americans in the centers is 21 years and 40 percent of them are below 15 years of age—all the wiener-baking, fun-loving, basketball-playing, studious kids who can become good American citizens if given half a chance.

Some have left, but the majority will wait, hoping that someone will understand that they are guilty of no crime, that they need to live a normal life—as normal as life can be in wartime—in order to grow and mature. Above all, they want people to know that they are "just like any other American."

To me and to most of the 70,000 Americans in the Relocation Centers, Japan is a place far away across an immense ocean. There is no going back to it for us. For me going back always means the drylands of Colorado and Keller School and Christmas programs and wiener bakes and Campus Inn. The mountains that I see in the back of my mind are not those around Fujiyama but the yellow-green and blue-green hills in the heart of the Rockies with the snow-capped peaks in the distance. New York was nothing strange to me because it is like San Francisco and Los Angeles combined, with the Bowery thrown in for good measure. Tokyo would be a strange city whose ways I would have trouble and no desire in learning.

One need not understand the Oriental mind in order to understand us; one needs only to understand the American mind with all its quirks, for we are the product of American culture and environment. Some are wise like Jim and some are queer like me but American nevertheless.

Someone has said we are "pathetically American." We belie our appearances; we cannot help looking Oriental and we cannot help feeling American. We are a problem which war hysteria has created and is a difficult one to solve because we are such damyankees.

It is to be remembered that the bulk of these American citizens are the children of emigrant parents. What sort of lives did their mothers and fathers live, thirty or forty years ago? In the *Pacific Citizen*, organ of the Japanese American Citizens League, Joe Grant Masaoka recently wrote a vivid description:

> Relive for a brief moment the raw experiences of your fathers. At the turn of the century, thousands of Japanese laborers were lured from their homeland as contract workers for the railoads and mines and lumber mills and farms. They were herded about almost as droves of cattle. Since few, if any, in the various gangs of workers understood English, all had to take it and like it.
>
> As construction gangs on the railroads, they were shunted about in cattle cars. Sometimes in winter on a forgotten siding, the pitifully huddled group of men almost froze to death. Isolated in railroad shacks, far from their kind, many subsisted sometimes for weeks on a dumpling made of flour, water and salt. Until they made their wants known to their Japanese boss, provisions were not forthcoming. Many were victimized by racketeering methods and prices.
>
> Generally, they wore shoes several sizes larger than their fit—they didn't know how to exchange them *via* mail order. Not being able to talk or understand the customs of their fosterland, their entertainment was almost *nil*. When it came to tending to their aches and pains, they were perforce obliged to bear through their ailments, since no country doctor could understand their strange gibberish. Even today, the Issei tongue can scarcely roll out the simple medicines and remedies they need. When they try to pronounce *Mentholatum*, the end result sounds like "lantern." To indicate any article they wanted in a store or drugstore, they either brought back a part of the used item or searched among the stock of the store until they came across he merchandise they needed.
>
> The traveler who wanted a round trip ticket called for a "come back teketsu." Sometimes, when a gang of workers had been gathered together on a farm, the aroused farmers roundabout pounded on their bunkhouse door in the middle of the night. Under the light of lanterns and the menacing barrels of shotguns, they escorted them out of town.
>
> When they lived in town, they were still being annoyed. The favorite trick of town hoodlums was to taunt and throw rocks at them. Another bit of petty mischief was to knock at the door and when it was opened and an Issei head peered out, the trouble-maker would poke his fist into the other's face.
>
> Many of our mothers came over as picture brides. Many a maiden's dreams were shattered by the reality of unremitting toil. Uncomplainingly they have raised families and have found happiness in their stalwart children and the more congenial lives of their progeny. It's common knowledge that in the agonies of childbirth seldom have Issei women ever cried out in pain or terror. In their trial of enduring labor pains, as in their rigorous daily living, our mothers kept their hardships to themselves and bore their lot with fortitude.
>
> There aren't any monuments raised to our pioneer fathers in token of their struggles and guts to hang on in an alien country where peoples and customs were so strange. But their heritage of fortitude lives within us. Some Nisei may be cynical, but the proof is already history.

The principal concern of Japanese Americans is to prove by every possible means the truth enunciated by Miss Sugihara—namely that they are far more Americans than they are Japanese; indeed, that they are only physically Oriental. The *Pacific Citizen* for January 8 of this year contains the following anecdote, related by Dale Oka, writing from Detroit:

> He was just a little tyke, was the lad. I would place his age at around 8, certainly not more than 10 years.
>
> He came into the store and while Sam the salesman was wrapping the merchandise which the youngster had purchased, I engaged him in a conversation.
>
> It was nasty weather outside and he wore only a sweater. So I asked him, "Aren't you cold?"
>
> While mumbling his reply, with characteristic youthfulness, of "No," he pulled out his "bank"—which was merely a small round tin can—and proceeded to count out the change for his purchase.
>
> After a couple more minutes of questioning on my part, my attention was diverted to another section of the store. When I returned some five minutes or so later, Sam the sales-clerk buttonholed me with a big smile.
>
> "Dale," he started out, "you know what that little kid told me?"
>
> "No, what did he say?"
>
> "He asked me what you were and I told him that you were a Japanese."
>
> "Yeah?" I says. "What did he say to that?"

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"He says (at this point Sam broke into a big grin), 'Well, as long as he's an American citizen he must be okay.'"

It struck me as a unique experience because that statement came from a young Chinese American lad of 8 or 10 years of age. Yes, that little shopper was of Chinese ancestry. . . .

One obvious means used by the *Pacific Citizen* to convince its readers that Americans are fair-minded is to reprint letters from "Caucasians" appearing in other papers throughout the country —especially when these letters are from soldiers. Thus we find an excerpt from a letter by Sergeant G. E. Maschmeyer, originally published in the San Francisco *Chronicle*:

It is pretty sickening to come home for your first leave in 15 months to find your State in the scene of a modern witchhunt rivaling anything seen in New England in the early days.

I refer to the persecution now being visited upon interned Japanese by self-appointed vigilantes. I can feel nothing but revulsion at this scene of intolerance toward a racial group in supposedly democratic California. If the "investigating" parties are too blind or too prejudiced to know better, they might learn something from any man in the armed forces.

And he is not enduring separation from home and physical hardship and gambling his life so that some persons or groups can tear things apart in this country by firing race and class frictions.

The *Pacific Citizen* also quotes from an article written by Yori Wada, a graduate of the University of California, who contributed an article to the *California Monthly*. Wada was inducted into the army before Pearl Harbor. After December 7 he received a letter from his sister in California, which reads in part:

But Mom wants me to tell you that you have a greater responsibility now. She says that for your America, do not hesitate to give your life. We'll make out somehow at home, but her concern is that you do not fail your country. She's awfully proud that you're in the Army.

Wada continues, writing on his own behalf:

Raking the embers of our family past, I knew that there was nothing un-American in our lives. It has always been true that Mother kept our eyes focused on the American scene. She was an alien mother who was proud that her children were learning to be of America. She was a foreigner who could never become an American except in spirit and faith, which she did nobly. As an American son in uniform, I am grateful to my Japanese mother. She deserves much more.

Finally Wada tells how he heard the story of his family's evacuation from California, and adds a moral:

Gradually I learned the painful story of evacuation: the curfew, the storing and selling of family goods, how the family had to sleep on the floor during the final days in Hanford, how they ate canned food or sent Caucasian friends to a restaurant so they would not go hungry. The sale of our ice cream store which had been ours for 25 years had also to be borne in bitter shame and silence since the United States Government had wanted it so. We had committed no crime; it was only that Japan, our enemy, was the land of our ancestors. . . .

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> I left my family and friends behind in the camp surrounded by barbed wire and guards. I left with the fervent hope that among these young Americans of Japanese ancestry would rekindle that vital faith in a democratic America and grow stronger in the face of distress. . . .

Recently a Japanese American hero has been touring the country making speeches. He is Sergeant Ben Kuroki, of the Air Forces, who has flown 30 bombing missions in a Liberator over Europe, including the famous bombing of the oil wells at Ploesti, Roumania. He has been awarded two Distinguished Flying Crosses and an Air Medal with five Oak Leaf Clusters. Recently he spoke before the Commonwealth Club in San Francisco, affirming his faith in American institutions, but he felt obliged to say to his audience that he has not, in his own case, completely won the battle against intolerance:

> Especially now, after the widespread publicity given the recent atrocity stories, I find prejudice once again directed against me, and neither my uniform nor the medals which are visible proof of what I have been through, have been able to stop it. I don't know for sure that it is safe for me to walk the streets of my own country.

Communications

IN VIEW of present circumstances, the editors of THE COMMONWEAL *felt it à propos to submit the following question to Bishop Paul Yu-pin.*

QUESTION: We have learned with great interest of the hope of the Chinese National Government that after the war it may be possible to recruit a large number of Americans, with special technical training, to assist in the rebuilding of China and in the necessary development of that country. We understand, of course, that Your Excellency is particularly interested in having a proper proportion of Catholics among these Americans. We know that many American Catholics will be inspired at the thought of being both material and spiritual missionaries in China. Supposing that an American of Japanese ancestry or an American Negro were properly qualified to participate in this work, would you conceive that any objection would be raised on the ground of race by the authorities of the Chinese National Government?

ANSWER: No. Racial prejudice does not exist in China.

✠ P. YU-PIN,
Vicar Apostolic of Nanking, China.

WE STILL CAN CHOOSE

Princeton, N. J.

TO the Editors: I found my feelings wholly in accord with the eloquent editorial of C. G. Paulding in the issue of February 18. Like him a lover of Italian art, and resembling him also, I suspect, in an incurable affection for the Italian people, I cannot view the invasion of the peninsula with anything but a heavy heart.

But if our hearts protest, our brains should not. The invasion of Italy was begun, as Mr. Paulding implies, in the hope, buoyed by the Italian surrender, of a speedy and relatively undestructive occupation. Suppose, when "their first hopes of a swift and total occupation of Italy had been denied," the military authorities had decided to "stabilize that front and force the Germans to parry a thrust elsewhere." This would have been an Allied defeat, a German victory, and a distinct boost to the Nazi morale whose collapse is the chief objective of our attack and our chief hope for an early termination of the war.

As a member of a committee engaged in the effort to protect so far as possible the cultural monuments of Europe from the hazards of war, I have some information on the amount of destruction that has already occurred in the fierce fighting in Sicily and South Italy. It is remarkably small. In Sicily the heaviest damage to cities has been suffered by Palermo, Messina, Catania and Syracuse, but of the monuments listed by our committee as of cultural value, surprisingly few have been destroyed or seriously damaged. In Palermo, for example, all of the fine twelfth-century churches and their mosaics are intact. In South Italy, the cathedral of Benevento was hit by a bomb, the museum of Pompeii destroyed, and the newspapers have detailed the destruction of Monte Cassino and the ruin wrought in Naples by bombardment, German time-bombs, and German premeditated destruction (e.g. the University Library). But even in Naples, one can be thankful for the escape of the vast majority of its artistic treasures.

Mr. Paulding fears that an "advance to the Alps means the destruction of a thousand cities, towns and villages." The result of the advance thus far does not imply so vast a devastation. But there has been and will be devastation, civilian casualties and ruin of buildings. Irreplaceable beauty will here and there be the victim of the progress of invasion. Some creations of centuries of human effort and genius, representing the most precious of human values, will be lost. But this war is being fought that the values themselves be not lost; that the freedom of thought, the dignity of the individual, the decencies of civilization, which the monuments of Italy commemorate and which inspired the hands and minds of her architects, sculptors, painters and poets—that these things be not obliterated, as they once were by another German onset in the fifth and sixth centuries. What created the "assembled stones of Italy" is even more important to defend than the stones themselves. We have told our military leaders to defend them in the best way they know. The best way is the quickest, in a global catastrophe such as this, and we art-historians, art-lovers, and Italophiles are short-sighted if we argue for a slower one. If the quickest way in military judgment lies through Italy, it at least is not through France or Greece, and we may remind ourselves that Italy is not the site of all the treasures of the past.

Nothing is so important as to win this war, and win it quickly, and no consideration or criticism has any point at present which is not aimed in that direction.

C. R. MOREY.

If things are as simple as this then there is no problem. In that case I do not see why Professor Morey remains

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a member of the committee to protect the cultural monuments of Europe from the "hazards" of war. I should think that the committee had best disband.

C. G. PAULDING.

The Screen

Starring Technicolor

HOLLYWOOD has very wisely avoided psychoanalysis as subject matter for movies. So the first comment to be made about *"Lady in the Dark"* concerns its novel cinema material. The film is about the editor of a fashion magazine who, on the verge of a nervous breakdown, goes to a psychiatrist and tells all. After revealing a series of dreams, desires and significant episodes from her past, she realizes, with the help of the analyst of course, that she isn't in love with the middle-aged publisher, who divorced his wife to marry her, and that she doesn't really want to be an efficient "boss lady" as her advertising manager archly calls her. By the finale, Liza Elliott has dropped her pose as top "man" and has gone sufficiently feminine to interest this advertising manager in managing more than the magazine. The psychology of this little story is sound enough, but its material is so obvious that it would hardly take a psychiatrist to figure out what is wrong with Liza.

The whole is extremely well staged and photographed in some of the best technicolor I have seen in films. Raoul Pene du Bois's costumes and sets, which are appropriate to the plot's swank magazine atmosphere, and the gowns by Edith Head are guaranteed to make women audiences drool with envy; and the color, designed to fit the picture's changing moods, is especially effective in the flashbacks and dream sequences. In fact this magnificent technicolor is likely to impress you more than anything else about "Lady in the Dark." Not because the acting is bad; Mitchell Leisen has directed his cast well; but both acting and story are subservient to colorful display and lavish production.

It is inevitable that the movie and stage versions of Moss Hart's play will be compared, and since I belonged to that school that thought Gertrude Lawrence was pretty much the whole show on the stage, I find that the film suffers by her absence. Ginger Rogers, playing Liza in a sort of brown daze, lacks the maturity and importance with which Miss Lawrence put over the role. While Ray Milland has sufficient sparkle to make his performance as the advertising manager enliven the plot which tends to grow sluggish at times, neither Jon Hall (in the famed "hunk of man" rôle which Victor Mature introduced) nor Mischa Auer (as the fluttery photographer made so realistic and funny by Danny Kaye) add much to the film's humor or feeling of reality. The original Kurt Weill music has been slighted somewhat in the movie; however "The Saga of Jenny" is again the high point of the gay and delightfully garish circus scene. A new song "Suddenly It's Spring" helps considerably to brighten the score. Perhaps it is wrong of me to take this picture seriously at all, but since so much of its footage is devoted to a story that is stretched too thin in its telling, I have to admit that the plot gets rather tiresome. The best of what "Lady in the Dark" has to offer is to be found in its accoutrements.

Another new movie in which technicolor runs away with honors is *"Broadway Rhythm."* The credits which say that this musical is based on "Very Warm For May," are not exactly true. The story is mainly about a theatrical family headed by George Murphy who produces shows and objects to his father (Charles Winninger) and sister (Gloria De Haven) being in them because the former is too old and the latter too young. So Pop and Sis, with the help of Ginny Simms and several other talented people, put on a show of their own. This show, which vaguely refers to some of the Jerome Kern music in "VWFM," turns out to be such a hit that it finally appears on Broadway and we see one super production number in it that is super-super and could never have originated in a barn where Pop's and Sis's show was supposed to have started. This plot gets tedious because we don't care much whether George Murphy's sister stays in school or goes on the stage. The film makers must have realized this, so they gave us plenty of good song and dance acts that turn up in various rehearsals, tryouts, and finished productions. "Broadway Rhythm" should have dropped its insipid story and stuck to its typical Holly-

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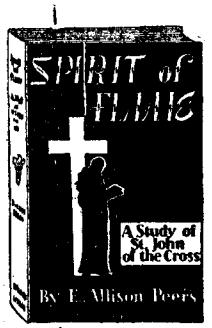

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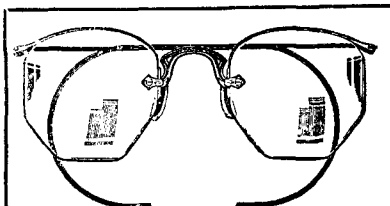
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wood, overstuffed, musical Thanksgiving dinner. Producer Jack Cummings gives us the works this time including acrobatic dances and imitations. All the principals get in there and pitch; and after it's all over and you're surfeited, you're likely to remember the classy technicolor, a song called "Solid Potato Salad," Charles Winninger's version of "Pretty Baby," Lena Horne (who really is a lush thrush in color) singing "Somebody Loves Me" and Hazel Scott doing those wonderful things she always does with a piano.

PHILIP T. HARTUNG.

Books of the Week

A Bell For Adano. John Hersey. Knopf. $2.50.

THIS is a good book that is also a good deed. I would say that the fiction form of "A Bell for Adano" is fictitious. This is not fiction, it is a first rate job of war reporting. The story that John Hersey has to tell is that of a small Sicilian town and of Major Victor Joppolo, U. S. A., who was sent there as military officer for the AMG. When Joppolo arrives, the town is dead, the townspeople have gone into hiding or are lying low in their houses, all of them—fascists and anti-fascists, enlightened pro-Allied, potential turncoats, and the overwhelming majority of the people who do not know what it is all about.

Gradually the people come out. The good US Major, an Italian American from the Bronx, is quick in sorting out the many sheep from the few goats, and tireless in his effort to give the people the minimum of services and order that they need. It is an appallingly hard task because the war is going on all around and the people have to be provided literally with everything, from water to spaghetti. But the Major makes the grade. In an amazingly short time, the community is put together again, it comes to life, it becomes really a town, freer and more real than it had ever been during the bleak years of the fascist régime. Then, because of a preposterous accident of military bureaucracy, the Major is kicked out.

The freedom that Adano was learning to enjoy under the good Major has little to do with the Bill of Rights or even with the Four Freedoms. It simply means that the people start feeling secure and have confidence in the men who keep them secure. There is no payment exacted for that security—it comes to them free of charge, just like the sea and the sun.

Somehow the children laugh more heartily in the streets and the people on the sidewalks are more relaxed. Already there is something different in the air. Had Joppolo stayed a while longer, the people might one day have started discussing competently the town business, they might have learned to be citizens. But as it happens Joppolo is kicked out without having done anything wrong, indeed having done a bang-up job. His successor is a man Joppolo knows and who, he thinks, is a "dope." That work of human reclamation which must precede political freedom if political freedom is to have any sense may have been wasted in Adano.

The essence, the final achievement of our work as liberators of Europe so far is left to the whims of chance. It can be hopelessly botched up by beastly bursts of temper of some brass hats. But without that work of human reclamation, no order is going to push its roots in these lands that fascism has ravaged, no government is going to

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have a chance no matter whether legitimate or illegitimate, of the right, of the left or of the center.

This is a real newspaper story that Hersey has brought back from Europe—the biggest and most fundamental of all. To tell it, he could not have used any other medium than a pseudo-fiction form. Certainly the consolidation of our victory in this war, the avoidance of similar wars in the foreseeable future depends on the Joppolos—the men who can help the liberated peoples to get on their feet and help themselves. Hersey tells us in his preface that there are many of these men in our army and I think he is right, even if the one Joppolo he tells us about, the one from the Bronx, has had very hard luck. But anyway, it is heartening to know that we have some Joppolos, and that we have also one Hersey who has brought us their story. For the sake of victory, more power to them.

MAX ASCOLI.

Ordeal by Battle. Cyril Falls. Oxford. $1.75.

THE bitter experience of another world ordeal may make Americans wary of simple, mechanical and irresponsible solutions to human problems. At any rate, war's ugly reality has again prompted considerable American writing on war. But the immediacy of the conflict has deterred them from writing and thinking about "the act of war as a whole."

Cyril Falls, the military correspondent of the London *Times,* has helped make up for the deficiency. His thoughtful and modest book, surprisingly thorough for its brevity, attempts to show the philosophical and physical relations of modern war and war in general. It describes war in the main historical periods, relating the code of warfare to the potentialities of war machines, and then discusses five ideals or principles in warfare: concentration; surprise; protection; aggressive reconnaissance; and maintenance of the objective. There are some who will invoke other principles, such as mobility or fire-power, but the author has anticipated them in a discussion of his inclusive principles. As characteristics or elements of war he proposes: the moral; the gambling; friction; the fog of war; and the diminishing force of the offensive. This discussion of the elements displays the author at his balanced best. At all times he reveals the invaluable habit of relating principles to special circumstances. Military men who are sternly judged by the results of their application of theory to a particular case may well be an example to moralists who are content with little more than a statement of principles, which makes much of the discussion of Papal teaching on social justice and peace misleading or sterile.

There are excellent chapters on War in the Air and Tactics of Offense and Defense. The treatment of sea warfare is less satisfactory. A generally admirable treatment of leadership of the nation in war is weakened by an overgenerous estimate of the part of the British Conservative Party in the first World War. It is regrettable that Captain Falls's professional rôle in the war prevented him from writing at greater length. In these days of paper shortage this is high praise.

MATTHEW A. FITZSIMONS.

The Long Balkan Night. Leigh White. Scribners. $3.50.

THE author started his career as a foreign correspondent in 1937 when he enlisted as an ambulance driver for the Spanish Loyalists. He is not interested in religion and labels people fond of traditions as "reaction-

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aries." He is opposed to monarchies and convinced that only the "camarillas" want them. On the other hand he is a strong believer in technology, the industrialization of the world and in combining such material "progress" with a socialistic distribution of the goods produced. But Leigh White is no fellow-traveler who advocates the Russian system. He is an honest Anglo-Saxon from Vermont, who dislikes Russification and prefers a world which is ruled by common sense and fosters the development of the democratic processes. So far as this mentality enables you to understand the Balkans, where Occident and Orient and the impress of many centuries add up to a very complex reality, you will find useful information in this sober and honest book.

The Jewish Telegraphic Agency was looking for a "gentile" as a correspondent in Nazi Europe and young Leigh White, a leftist, blond and obviously an "Aryan," seemed ideally suited for the job. As it was practically impossible to fulfill his assignment in Germany, Poland and Czechoslovakia, White confined his research to Hungary, Rumania, Bulgaria, Jugoslavia and Greece: his attention to detail and his lack of romanticism make many of his reports reliable source material for future historians of the Balkans.

It happened that White was a participant in the escape from Jugoslavia to Greece of the rotting motor boat, "Makedonka," the Adriatic Odyssey so vividly described by Robert St. John in his impressive book, "From the Land of Silent People." It is interesting to read the same story in two different versions: White's deadly serious report filled with sober factual detail and St. John's emotional story, an unforgettable description of war terror in Greece with a sensitive realization of the painful absurdity of the mission of the reporters, "leeches . . . trying to suck headlines out of all this death and suffering." In comparison with this fine book the limitations of White's writings are only too plain. While nobody but the Balkan experts will go back to White's reports, St. John's book—I feel sure—will live as one of the few classics of World War II. MAX FISCHER.

Amen, Amen. S. A. Constantino, jr. Harper. $2.00.

ENSIGN CONSTANTINO is a young Catholic who is more disturbed than most of his fellows over the lack of religion and the deterioration of morals in the country he is fighting for. He has come forward with a little book intended to do its bit in remedying this sorry state. His procedure is to go from a brief proof of the existence of God (he argues from causality) to the immortality of the soul and thence to the questions of sin and social justice. Ensign Constantino's idiom is current and has pace even when he deals with apologetics; when he exhorts his readers to "hit the sawdust trail" he has the good old revivalist manner. The idea, we should gather, is that here is a regular fellow, a red-blooded young American, who is flying for his country, who abides by the traditional Christian beliefs in faith and morals and doesn't see how any honest man who is willing to face the truth can do otherwise. He ventures into surprisingly many fields, even to the point of discussing whether licensing or stricter law enforcement is the better means of solving America's prostitution problem. Unfortunately his stylistic breeziness, pep and Christian zeal hardly make up for his failure to grasp many of the real difficulties in the big questions he settles with such ease.

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The Inner Forum

The Church in Finland

MONSIGNOR WILLIAM COBBEN of the Order of the Priests of the Sacred Heart, a native of Holland, is the only Catholic Bishop in Finland. There are four parishes and seven other places where Mass is offered periodically. There is a small Catholic cathedral of red brick in Helsinki. Religious of the Sacred Heart of Moerdijk, Holland, conduct a day and boarding school in two buildings which once served as private homes in the residential section of the Finnish capital. American Sisters of the Congregation of the Most Precious Blood from O'Fallon, Missouri, also labor in the missions of Finland. These and other interesting facts appear in an article by J. Lambert M. Erkins, S.M.A., in the February number of the *Bulletin* of St. Ansgar's Scandinavian Catholic League of New York.

Lutheranism is the state religion for the 4,000,000 Finns, while the Orthodox Church numbers 70,000 members there. The 2,000 Catholics are very active. "Each parish has a Catholic library. The long evenings of the interminable winters make the Finns a people of great readers. Libraries, youth associations, confraternities, meetings of various interests afford the ways and means to spread the teachings of Christ. The catechism, Bible history, pamphlets and the monthly *Uscon Sanoma,* Messenger of the Faith, in Finnish, are widely read. The Finns appreciate the beauty of religion. They flock to the four remaining Orthodox monasteries, to see and admire the ceremonies of the monks. Unfortunately these are not allowed to accept Finnish candidates and since they cannot either expect recruits from Russia, their extinction seems to be a matter of time. How one would like to hear in the near future of the founding of some of our Benedictine monasteries in that northern country of Europe."

Christianity came to Finland in the year 992, when monks from Mount Athos established a monastery on the banks of Lake Ladoga. Magnus I was the first Finn to become a bishop, three hundred years later. In the fourteenth century, under the impetus of Bishop Hemming, many churches were built, libraries established and "seven large convents, three of Franciscans, three of Dominican Fathers, and one of Brigittine Sisters, became the centers of religion and civilization in Finland." The most noted Finnish bishop, Magnus Olav Tavast (1412 to 1450), brought from the Holy Land art objects and manuscripts of the greatest value, and even at the age of 86 undertook arduous episcopal visitations. When Gustavus Vasa became king of Sweden in 1523 and Finland gave allegiance to him, Lutheranism was introduced, the property of the Church was confiscated and a number of Catholic leaders were killed. Before the Reformation the Church in Finland had no less than 4,000 parishes. St. Ansgar's *Bulletin* quotes the Protestant provost, Bergrath, "The greatest merit of Catholicism is that it incorporated our small, still pagan land among Europe's cultured nations."

Max ASCOLI is associated with the New School for Social Research, New York, N. Y.
Matthew A. FITZSIMONS sends his review from Notre Dame, Indiana.
Max FISCHER is a European journalist now living in the U. S.

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